

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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FERNANDO HERNANDEZ, KENNETH CHOW,
BRYANT WHITE, DAVID WILLIAMS,
MARQUIS ACKLIN, CECILIA JACKSON,
TERESA JACKSON, MICHAEL LATTIMORE
and JUANY GUZMAN, Each Individually, And On Behalf Of
All Other Persons Similarly Situated,

Plaintiffs,

-against-

**DECLARATION OF
WALKER G.
HARMAN, JR.**

THE FRESH DIET INC.,
LATE NIGHT EXPRESS COURIER SERVICES, INC. (FL),
FRESH DIET EXPRESS CORP. (NY),
THE FRESH DIET - NY INC. (NY),
FRESH DIET GRAB & GO, INC. (FL) a/k/a
YS CATERING HOLDINGS, INC. (FL) d/b/a
YS CATERING, INC. (FL),
FRESH DIET EXPRESS CORP. (FL),
SYED HUSSAIN, Individually,
JUDAH SCHLOSS, Individually,
and ZAIMI DUCHMAN, Individually

Defendants.

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WALKER G. HARMAN, JR., hereby declares pursuant to 28 U.S.C. § 1746, the following statements are true and correct:

1. I am an attorney duly licensed to practice law in the Southern District of New York.
2. I am the managing partner of The Harman Firm, PC, which is counsel to Plaintiffs in the above-captioned matter.
3. I submit this declaration in opposition to Defendants' Motion for Summary Judgment and in opposition to Defendants' Motion for Decertification of the Collective Action.

4. Attached hereto as *Exhibit A* is a true and correct copy of the relevant portion of Defendant Fresh Diet Inc.'s website.

5. Attached hereto as *Exhibit B* is a true and correct copy of Plaintiff Juan Correa's deposition.

6. Attached hereto as *Exhibit C* is a true and correct copy of Plaintiff Fernando Hernandez's deposition.

7. Attached hereto as *Exhibit D* is a true and correct copy of Plaintiff Juany Guzman's deposition.

8. Attached hereto as *Exhibit E* is a true and correct copy of Plaintiff Kenneth Chow's deposition.

9. Attached hereto as *Exhibit F* is a true and correct copy of Defendant Syed Hussain's deposition.

10. Attached hereto as *Exhibit G* is a true and correct copy of Defendant Judah Schloss's deposition.

11. Attached hereto as *Exhibit H* is a true and correct copy of Plaintiff Fernando Hernandez's agreement with Defendants.

12. Attached hereto as *Exhibit I* is a true and correct copy of Plaintiff Denny DeLarosa's deposition.

13. Attached hereto as *Exhibit J* is a true and correct copy of Plaintiff David A. Williams.

14. Attached hereto as *Exhibit K* is a true and correct copy of Plaintiff Marquis Acklin's deposition.

15. Attached hereto as *Exhibit L* is a true and correct copy of Plaintiff Teresa Jackson's deposition.

Dated: New York, New York
February 14, 2014

By: s/ Walker G. Harman, Jr.
Walker G. Harman, Jr., Esq. [WH-8044]
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